

REMARKS

Claims 1-23 stand rejected under 35 U.S.C. 102(e) as being anticipated by Baldwin et al. (U.S. Patent No. 6,813,868). Applicant respectfully traverses this rejection based on the present Amendment and for the reasons set forth below in detail.

The Baldwin reference generally discloses a method, system and apparatus for handling, labeling, filing and capping syringes. Two of the stations are a cutting station where the syringe bandolier is cut and a labeling station where a label is placed on the bandolier tape to indicate the contents thereof. The precise order of these two stations, as well as the filling station, is not critical and can be performed in any sequential order.

It is clear that the labels disclosed in the Baldwin reference only contain "contents information" that indicates the contents of the syringes. A detector, such as an optical sensor, is used to detect whether a label has been affixed to the substrate. The detector is merely a simple device that detects whether the label is in a location where it should be on the substrate. If the label is not detected, the syringe handling device can be shut down or an alarm can be activated.

There are significant differences as to both the purpose and function of the control feature of the present invention compared to the label detector system of the Baldwin reference. In general, the control feature of the present invention is used to detect a physical attribute that is associated with the bandolier of syringes. For example, the control feature can indicate whether the bandolier is or is not properly aligned with the syringe handling system, as well as indicating whether a physical specification (i.e., volume or dimensions) of the syringes is within acceptable values. Accordingly, the control feature of the present invention indicates a physical condition or physical characteristic of the syringe structure itself as opposed to being related to the contents within the syringe barrel. In addition, the detector of the Baldwin reference merely determines whether the label is present on the substrate as opposed to reading a physical characteristic of the syringe.

Based on the foregoing, Applicant has amended claim 1 to recite a bandolier for a syringe having a multiplicity of syringes and a control feature at a prescribed location relative to the web and disposed in a prescribed interval between adjacent syringes. The prescribed location of the control feature relative to the web indicates to the controllable syringe handling system that at least one *physical* parameter related to a *structure* of the syringe is within an acceptable value.

Applicant respectfully submits that the above feature is neither disclosed nor suggested by the Baldwin reference since, as discussed above, Baldwin's system only includes a label having contents information printed thereon and a detector for detecting whether the label is present on the syringe. In contrast, the control feature of the present invention is used to detect a physical attribute, such as syringe size or syringe orientation (alignment), that is associated with the bandolier of syringes. Thus, a syringe of one volume can be provided with one distinct control feature that acts as an identifier or signature and another syringe of a different volume can be provided with another distinct control feature that also acts as an identifier or signature. The detector can thus easily detect from reading or not reading the control feature when a situation arises where some type of action needs to be taken. This is much different than Baldwin where the system merely detects whether the label is present and therefore, the label of Baldwin is not an indicator of a physical parameter of the syringe, such as syringe size or proper alignment of the syringe, but rather merely lists the contents of the syringe. The detector system in Baldwin is designed to stop the syringe handling system when a label is missing so as to avoid having either subsequent mislabeled syringes or a syringe whose contents are uncertain and thus must be discarded. In contrast, the control feature of the present invention sends information to the detector that is indicative of a physical parameter of the syringe. For example, the control feature can indicate the size of the syringe such that if the detector has been told that the bandolier of syringes should have one size, while another size is observed as a result of the control feature being observed in a different location or not observed in a target location, then the handling system can take the necessary remedial steps.

Based on the foregoing differences, Applicant respectfully submits that the feature added to claim 1 is not disclosed in Baldwin and moreover, not contemplated since the Baldwin system is

system. Since the label of Baldwin fails to convey information about a physical characteristic of the syringe (e.g., dimensions, volume, etc.), the claimed feature is neither disclosed nor suggested by the cited reference. Reconsideration and withdrawal of the outstanding rejection are in order.

Claims 22-23 should be allowed as depending from what should be an allowed independent claim 21, as amended.

Applicant has added claim 24 by way of this amendment and respectfully requests favorable examination thereof. Claim 24 is similar to the other claims and recites a bandolier of syringes that has a control feature at a prescribed location relative to the web and disposed in a prescribed location. In particular, the control feature is formed at a prescribed coordinate location of the web between adjacent syringes, with the prescribed coordinate location representing and indicating to the controllable syringe handling system a proper alignment of the bandolier of syringes within the controllable syringe handling system.

The label of Baldwin only lists the contents of the syringe which is something much different than the control feature and coordinate system of the present invention where the coordinate location of the control feature indicates that the syringes are or are not properly aligned. Once again, the label and detector system of Baldwin has no ability to indicate whether the bandolier of syringes is properly oriented in the system and thus provides a safe check against misalignment before jamming or some other undesirable event can occur.

Consideration and allowance of new claim 24 are respectfully requested at this time.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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